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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,982	02/16/2001	Yrjo Suolahti	713-390	2810

7590

05/21/2003

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EXAMINER

DURAND, PAUL R

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 05/21/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/783,982

Applicant(s)

SUOLAHTI, YRJO

Examiner

Paul Durand

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 12-15, 18-21 is/are rejected.
- 7) ☒ Claim(s) 16 and 17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the claim, the recitation "on the order of 90%" is indefinite in that it does not claim what the 90% is comprised of and the phrase does not further limit the parent claim by specifying an appropriate range.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12,13 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paavola et al (US 5,875,16) in view of Humphrey (US 4,706,443) and in further view of Moore (US 5,155,970).

In regard to claims 12,13 and 18, Humphrey discloses the invention substantially as claimed including a wrapping machine 2, mounted film roll 16, attached to a frame first and second pre stretch roller 18 and 32, that are parallel, coupled to and offset from

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each other, that operate at different velocities, pendulum assembly, comprised of freely rotating diverter roller 38, pendulum mount arms 40, rod 60 that functions as an arbor, actuator 52 and 54 functioning in a spring manner to biased the pendulum assembly so that the tension in the web is constant during operation and deflecting roller 58 located parallel to and downstream of the pre stretch and the pendulum rollers (see Figs. 1-6, 9, C8, L57-69, C9, L15-22, L56-69 and C10, L1-2, L38-51). What Humphrey does not disclose is the use of free rotating pre stretch rollers and feeding means and the use of a wrapping ring. However, Moore teaches that it is old and well known in the art of wrapping to provide a freely rotating roll 30 accommodated on mounting means, freely rotating pre stretch rollers 32 with deflecting roller 34 that are mounted on a wrapping carriage 28 for the purpose of providing efficient tensioning means while reducing the amount of working parts thereby increasing operational efficiency (see Figs. 1, 2 and C3, L27-37). Furthermore, Paavola teaches that it is old and well known in the art of wrapping to provide a wrapping machine consisting of a film dispenser 3, frame 4, supporting units 26, pre stretching rollers 11 and 12, deflecting and diverting roller 6 and spring loaded pendulum roller (See Fig. 6) that is parallel to the pre-stretching rollers and diverting roller with a circular track 25 for the purpose of moving the wrapping head around an object. Furthermore, in regard to the limitation of a spring that biases the pendulum roller, while Humphrey does not recite the spring element itself, Humphrey does recite the use of an air piston that functions in a "spring" like fashion for the purpose of maintaining a desired torque on the pendulum to maintain proper tension in the web, and as such, is viewed by the examiner as equivalent art. Therefore, it would

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have been obvious to one having ordinary skill in the art to have modified the invention of Humphrey with the free rotating rollers as taught by Mooore and the track wrapping means as taught by Paavola for the purpose of increasing operational efficiency.

In regard to claims 19-21, Humphrey discloses the invention substantially as claimed except for the transmission gear for the pre stretch rollers and the film arrangement. However, Paavola teaches that it is old and well known in the art of wrapping to provide a wrapping machine device¹⁰, with mutually engaged rollers 11 and 12, direct transmission with gears 20 and 21 attached to rollers 11 and 12 with selectable transmission ratio, which could comprise a gear ratio of .90, depending on film thickness and desired pre-tension for the purpose of properly pre stretching a film (see C5, L4-6). Therefore, it would have been obvious to one having ordinary skill in the art to have modified the invention of Humphrey with the transmission arrangement of Paavola for the purpose of properly pre stretching a film.

5. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paavola et al in view of Humphrey in further view of Moore and in further view of Suolahti (6,305,145).

Humphrey discloses the invention substantially as claimed except for the use of stop elements to limit the rotation of the pendulum rollers. However, Suolahti discloses that it is old and well known in the art to have a pendulum with arm 13, roller 15, axle 14 with pendulum stops on either side of the axis that allows a maximum or a minimum amount of film to be in the system depending on the tension change detected (see Fig. 2). Therefore, it would have been obvious to one having ordinary skill in the art to have

modified the invention of Paavola with the pendulum device as taught by Suolahti for the purpose of maintaining constant tension of a wrapping web.

Allowable Subject Matter

6. Claims 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed 4/14/03 have been fully considered but they are not persuasive.

Applicant argues that the references of Paavola, Humphrey and Suolahti are non-analogous art since they do not teach of the "free rotating concept". The examiner has added the Moore teaching to show freely rotating pre stretch rollers and film supply roll, while the Humphrey reference already teaches the use of a free rotating pendulum roller.

For the reasons indicated above, the grounds of rejection are deemed proper.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Durand whose telephone number is 703-305-4962. The examiner can normally be reached on 0730-1800, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on 703-308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Paul Durand
May 1, 2003



Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700